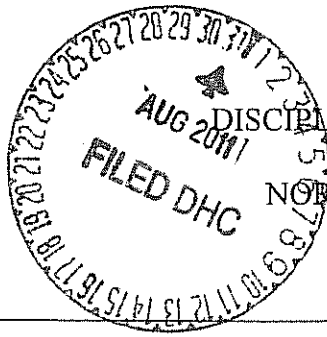


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
11 DHC 20

THE NORTH CAROLINA STATE BAR,)
Plaintiff)

v.)

ANSWER

BILLY D. FRIENDE, JR., Attorney)
Defendant)

NOW COMES the Defendant, through his counsel, answering the Complaint of the Plaintiff and alleges and says:

INTRODUCTION

Billy D. Friende, Jr. was licensed to practice law in North Carolina in 1976 and has practiced in Winston-Salem since that time. While he has primarily been a sole practitioner, he has, from time to time, been associated with other attorneys and for one period of time was in practice with Hon. L. Todd Burke, now a Resident Superior Court Judge of Forsyth County. For most of his career, Mr. Friende has been actively involved in assisting clients in the administration of estates and in his representation of the Estate of Alice A. Jackson (05 E 1934) that brings this matter before the Disciplinary Hearing Commission.

In handling estate matters, it is Mr. Friende's practice to discuss with the named Executor or Personal Representative of the estate how attorney fees are typically handled by his office and the Office of the Clerk of the Superior Court for Forsyth County when the estate is to be administered there, as was the case with the Estate of Alice A. Jackson.

He advises the client that he sometimes secures the consent of all beneficiaries/devisees under the Will for the fees, but in all cases, it is required that the Clerk of the Superior Court must approve the final attorney fees and Executor Commission to be paid. He also advises his clients that the Clerk will typically approve an attorney's fee in an amount based on a percentage of the total income and disbursements of the estate (usually between 5% and 10% in Mr. Friende's experience) and that the fee is normally approved in conjunction with the filing of the Final Account when the estate is closed, even though payments on legal fees from an estate may be made periodically during its administration. Mr. Friende does not recall any estate case in which the fees paid to his office have been disapproved by the Clerk of the Superior Court of Forsyth County.

In the matter now before the DHC, Mr. Friende did not know Alice A. Jackson and had not been the attorney who prepared the Last Will and Testament for her. He only became involved in the handling of that Estate when one of the named Co-Executors, Brenda D. Sloan, contacted him after Ms. Jackson's death and asked if he would agree to represent her Estate. It is Mr. Friende's recollection that he agreed to assist Ms. Sloan and that he discussed with her how his legal fees (as well as her commission as an Executor) would be handled and ultimately approved by the Clerk. He believes that he also discussed with her that in this Estate, he would recommend that the legal fees ultimately be left to the Clerk for approval, as there were a number of corporate entities which had been named as beneficiaries of Ms. Jackson's estate and efforts to secure their individual consent to the fees could be time consuming, involving an unnecessary expense to the Estate and possibly delaying the ability to close the Estate. It is his recollection that Ms. Sloan agreed to this procedure. In hindsight, Mr. Friende agrees

that it might be a better practice to advise the Executor that, as the administration of any estate progresses, he may, from time to time, apply some funds from the estate to his ongoing legal fees, but that he will contact the Executor and obtain approval prior to doing so. However, his practice for many years has been to pay his office fees from the estate trust account as the administration of the estate progresses and was reasonable, without exceeding the amount he anticipated the Clerk would ultimately approve and to then have the Clerk and the Executor approve the total fees when the Final Account was submitted to close the estate. It is Mr. Friende's intention to modify that practice from this point forward as a result of the Grievance filed in this matter and the Complaint before the Disciplinary Hearing Commission. However, as will be demonstrated in his response to the Complaint, he believes that the actual fees he charged the Estate of Alice A. Jackson were reasonable and customary for the representation of an estate in Forsyth County. In addition, all legitimate debts of the Estate were paid and all beneficiaries received their full bequest.

Responding to the separate paragraphs of the Complaint, the Defendant alleges and says:

1. The allegations of paragraph 1 of the Complaint are admitted.
2. The allegations of paragraph 2 of the Complaint are admitted.
3. The allegations of paragraph 3 of the Complaint are admitted.
4. According to the information and belief of the Defendant, the allegations of paragraph 4 of the Complaint are admitted.
5. The allegations of paragraph 5 of the Complaint are admitted.
6. The allegations of paragraph 6 of the Complaint are admitted.

7. The allegations of paragraph 7 of the Complaint are admitted.
8. The allegations of paragraph 8 of the Complaint are admitted.
9. The allegations of paragraph 9 of the Complaint are admitted.
10. The allegations of paragraph 10 of the Complaint are admitted.
11. The allegations of paragraph 11 of the Complaint are admitted.
12. The allegations of paragraph 12 of the Complaint are admitted although there was no indication as to what the source of these funds was.

13. The allegations of paragraph 13 of the Complaint are admitted although, at the time these funds were received, there was no indication as to what they represented and Mr. Friende assumed that the funds received, more likely than not, represented interest on the sum that he had just received as assets of the Alice A. Jackson Estate. The funds were deposited in his Trust Account and were shown as funds of the Jackson Estate in that account.

14. The allegations of paragraph 14 of the Complaint are admitted although, once again, Mr. Friende was given no indication as to what this deposit for Ms. Jackson's Estate represented. Nonetheless, the funds were deposited into the Jackson Estate's trust account.

15. The allegations of paragraph 15 of the Complaint are admitted.

16. The allegations of paragraph 16 of the Complaint are admitted and by way of further answer the defendant responds that, by January, 2006, Mr. Friende had been representing the Estate of Alice A. Jackson or assisting Brenda D. Sloan in connection with that estate for several months with no fees having been charged to or collected from the Estate. Knowing that the Clerk of the Superior Court would ultimately have to

approve all legal fees which were charged to the Estate, and keeping the interim payment on his ultimate fee well within the amount that he thought would be approved, this referenced check for \$5,000 (as an interim payment on his fee) was advanced as alleged. Since Mr. Friende did not historically seek the Clerk's approval for the advancement of a partial payment on fees for estates that he represented as the administration of that estate progressed, he did not believe that he needed to or was required to obtain the Clerk's authorization for payment of an interim fee in this situation. Likewise, in his discussion with Ms. Sloan over how fees would be approved by the Clerk at the time of the final accounting, he did not believe that he needed to seek her approval for interim distributions from the Jackson Estate on fees as its administration continued.

17. In response to the allegations of paragraph 17 of the Complaint, it is admitted that on January 2, 2006, the Defendant transferred \$5,000 as a partial payment on the fees for his administration of the Jackson Estate, but it is denied that he "misappropriated" those funds.

18. In response to the allegations of paragraph 18 of the Complaint, it is admitted that the Defendant did transfer \$738.64 to his office account which he intended as an additional advance on his ultimate fee for the handling of the Jackson Estate and that, by mistake in his accounting, this transfer was shown as coming from the Trust Account of a different client, but this was an unintentional mistake.

19. Since the transfer referred to in paragraph 18 came from the Trust Account of a client other than the Estate of Alice A. Jackson, the allegations of paragraph 19 are denied.

20. In response to the allegations of paragraph 20 of the Complaint, it is admitted that on January 5, 2006, the Defendant transferred an additional \$5,000 from the Jackson Estate Trust Account as an additional partial payment on his ultimate legal fees to be approved by the Clerk.

21. In response to the allegations of paragraph 21, it is admitted that the transfer referenced in paragraph 20 did occur, but it is denied that this constituted a misappropriation as the Defendant viewed this as a partial payment on a fee that would ultimately have to be approved by the Clerk of Superior Court.

22. The allegations of paragraph 22 of the Complaint are admitted except that it is denied that the Defendant "falsely listed" the value of the Jackson Estate on the initial inventory, although he admits that the value listed was a mistaken figure.

23. The allegations of paragraph 23 are denied as there was no intent on the part of the Defendant to conceal information from the Executor.

24. In response to the allegations of paragraph 24 of the Complaint, it is admitted that after the Defendant had completed and filed the Inventory (with the mistaken figure) with the Clerk that he advanced another \$5,000 as a partial payment on his ultimate fee to be approved by the Clerk from the Trust Account of the Estate of Alice A. Jackson.

25. In response to the allegations of paragraph 25 of the Complaint, it is denied that the payment of this additional partial fee as described in paragraph 24 constituted a misappropriation of client funds.

26. While it is denied that the Defendant attempted to conceal from the Clerk or Ms. Sloan interim payments that he was advancing to his firm as partial fees which would

ultimately have to be approved by the Clerk, it is not denied that the transfer referenced in this paragraph did occur.

27. To the extent that the allegations of paragraph 27 are intended to infer that the Defendant misappropriated Trust Account funds from the Alice A. Jackson Estate, they are denied.

28. While it is denied that the Defendant attempted to conceal from the Clerk or Ms. Sloan any of the interim payments that he advanced to his firm as partial payments on the ultimate fee which would have to be approved by the Clerk, it is not denied that the transfer referenced in paragraph 28 of the Complaint did occur.

29. To the extent that the allegations of paragraph 29 of the Complaint are intended to infer that the Defendant misappropriated Trust Account funds from the Estate of Alice A. Jackson, they are denied.

30. In response to the allegations of paragraph 30 of the Complaint, it is admitted that the Defendant prepared an initial document entitled "Final Account" for the Estate of Alice A. Jackson dated April 17, 2006 (a copy of which is attached hereto and marked as Exhibit A) and that there were several mistakes in that Account, each of which was unintentional and later corrected as shown hereafter. As an example, in listing the assets of the Estate on the Final Account, the AOC Form E-506 indicates that in listing the assets of the estate: "Personal Property on Inventory or Total Held or Invested *as Shown on Last Account*" (emphasis added) should be listed. When the Defendant listed the amount of that figure to be \$177,159.19 he was correctly transferring the figure that had been submitted to the Clerk with the initial Inventory filing referenced in paragraph 21 of the Complaint on January 6, 2006. While that figure had been incorrect in the initial

filing as acknowledged in paragraph 22 of this Answer, it was the actual figure that had been initially listed as required by AOC-E-506. The form also incorrectly listed attorney fees paid in the amount of \$8,800 when, in fact, the Defendant had transferred a total of \$21,453.34 as interim payments on his fee. All other disbursements shown on the Final Account dated April 17, 2006 were correct and verifiable by checks in his Trust Account - ledger.

31. In response to the allegations of paragraph 31 on the Complaint, it is admitted that there was a mistake made in the amount referenced as attorney fees (as discussed above in response to paragraph 30), but it is denied that this was an intentional false misrepresentation.

32. The allegations of paragraph 32 are admitted, although it is denied that the Defendant intentionally attempted to conceal this partial payment on his fees from either the Clerk or Ms. Sloan.

33. The allegations of paragraph 33 of the Complaint are admitted although the payment was intended to be another interim payment of ultimate total fees to be paid for the administration of the Estate of Alice A. Jackson.

34. The allegations of paragraph 34 of the Complaint are admitted although it is denied that Billy Friende ever intended to provide "false information" for the Jackson Estate. Any errors (which are admitted as shown above) were a result of neglect only.

35. In response to the allegations of paragraph 35 of the Complaint, it is admitted that, after filing the purported "Final Account" dated April 17, 2006, the Defendant forwarded it to Ms. Sloan for her review and records. In so doing, she discovered that the initial deposit from Wachovia on behalf of Ms. Jackson had been a transfer of

\$253,159.19. For reasons that were not clear then or now, Mr. Friende had shown the amount to be \$177,159.19 in the initial filing in January, 2006 and he had transferred that figure to his initial "Final Account" dated April 17, 2006. After he and Ms. Sloan discussed the situation, and Mr. Friende had confirmed that actual amount of the original transfer from Wachovia, it was agreed that he would file an amended or Supplemental Final Account showing the additional \$76,000. Ms. Sloan sent him a revised draft with a copy of the deposit transfer she had from Wachovia and also showing additional payments to beneficiaries that she had made. (A copy of these documents are attached as Exhibit B). While this draft of the revised Final Account (allegedly covering the period from the original Final Account dated April 17, 2006 to the date of this revised or supplemental Final Account on June 21, 2006) showed \$76,000 as the assets of the Estate, it also showed some additional disbursements to the ultimate beneficiaries over what had been shown on the April 17, 2006 Account. It also showed a total attorney fee in the amount of \$29,143.87 which corresponded with the total amount of fees that had been transferred to Mr. Friende's account during his administration of the Estate. A copy of this document is attached as Exhibit C).

36. The allegations of paragraph 36 of the Complaint are admitted as the figure of \$29,143.87 represented the total amounts that had been transferred as interim attorney fees while the Defendant administered the Estate of Alice A. Jackson and did not represent any payment on June 21, 2006.

37. The allegations of paragraph 37 are denied in that the Defendant had performed legal services for the Estate of Alice A. Jackson during his representation that would have entitled him to the normal and customary fees allowed of no less than 5% of

the income and disbursements of the Estate. Based on the correct total amount of income and disbursements of Ms. Jackson's estate (approximately, \$514,000), a fee of approximately \$29,000 would be appropriate.

38. The allegations of paragraph 38 are denied in that Billy D. Friende, Jr. did not "misrepresent" to Ms. Sloan his entitlement to \$29,143.87 in legal fees. This was the amount that he had actually received.

39. In response to the allegations of paragraph 39, it is admitted that when he compared the two "Final Account" documents that he had filed with the Clerk, that Mr. Friende concluded that a further amendment or supplement was necessary that would show in one document the full amount that had been received in the initial transfer from Wachovia and all of the disbursements or distributions that had been made (combining the April 17, 2006 and the initial June 21, 2006 Accounts). As a result, the Defendant prepared another supplemental Final Account which still bore the date of June 21, 2006, but now showed the assets of the Jackson Estate to be \$253,159.19 representing the amount of the initial transfer from Wachovia. (A copy of this Final Account is attached to this Answer as Exhibit D). It is admitted that this supplemental Final Account dated June 21, 2006 failed to include the two subsequent transfers from Wachovia in the amount of \$3,602.24 on November 28, 2005 and the \$738.64 transferred on December 27, 2005. There was also another mistake in this second amended or supplemental Final Account in that it showed total attorney fees of \$37,943.87 which was a combination of the initially mistaken figure of \$8,800, shown on the April 17, 2006 Final Account and the \$29,143.87, shown on the initial June 21, 2006 Final Account. The actual total amount of fees paid had been correctly listed on the initial June 21, 2006 Final Account

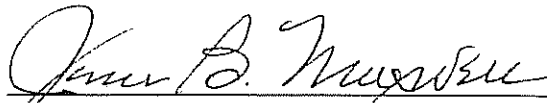
in the amount of \$29,143.87. In all other respects, the disbursements to beneficiaries and various costs on behalf of the Estate are correct.

40. While the defendant is unaware of the reason that the Clerk of the Superior Court of Forsyth County "recorded" rather than "approved" the supplemental Final Account dated June 21, 2006, which was filed on February 8, 2008, the Defendant would not contest that total legal fees in the amount of \$37,143.87 would have constituted an excessive fee for an estate the size of Ms. Jackson's, but as the records of Ms. Jackson's estate demonstrate, the Defendant did not receive fees in excess of \$29,143.87.

FURTHER ANSWERING THE COMPLAINT

While the Defendant does not deny that there were mistakes made in some of the filings that he made with the Clerk of the Superior Court of Forsyth County in regard to the Estate of Alice A. Jackson (05 E 1934), there was no intent on his part to misappropriate funds or conceal from the Executor or Clerk how he was handling the estate and the ultimate fees received were not excessive based on customary practice. In addition, all costs incurred by or on behalf of the Estate of Alice A. Jackson, including funeral costs, medical bills, publication fees, Executor fees and all filing fees were appropriately paid and each beneficiary named under the Last Will and Testament of Alice A. Jackson received their designated devise from her estate.

This the 29th day of August, 2011.



James B. Maxwell
N. C. State Bar No.: 2933
Attorney for Billy D. Friende, Jr.
P. O. Box 52396
Durham, NC 27717
(919) 493-6464

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served by depositing a copy of the same in an official depository of the U. S. Mail in a postage-paid envelope addressed as follows:

A. Root Edmonson
Deputy Counsel
North Carolina State Bar
P. O. Box 25908
Raleigh, NC 27611-5908

This the 29th day of August, 2011.


James B. Maxwell

Exhibit A

STATE OF NORTH CAROLINA

File No

05 E 1934

In The General Court Of Justice
Superior Court Division
Before The Clerk

FORSYTH County

IN THE MATTER OF THE ESTATE OF:

Name

ALICE A. JACKSON

☒ Deceased ☐ Minor ☐ Incompetent ☐ Trust

ACCOUNT

☐ ANNUAL ☒ FINAL

G.S. 28A-21-1; 21-2; 21-3

I, the undersigned representative, being first duly sworn, say that the following is a complete and accurate account of my receipts, disbursements and other transactions as representative of this estate or trust.

Accounting Period From

11-10-05

Extending To

4-17-06

Personal Property on Inventory or Total Held Or Invested as Shown on Last Account

\$ 177,159.19

Plus Total Receipts as Shown on Reverse (Part I) +

00.00

TOTAL ASSETS

\$ 177,159.19

Less Total Disbursements as Shown on Reverse (Part II) -

25,928.49

BALANCE AT END OF ACCOUNTING PERIOD AFTER ALL DISBURSEMENTS*

\$ 151,230.70

*NOTE: TOTAL DISTRIBUTED plus BALANCE HELD OR INVESTED must equal BALANCE AT END OF ACCOUNTING PERIOD AFTER ALL DISBURSEMENTS.

DISTRIBUTIONS AS FOLLOWS

Date	Distributed To	Amount
4-17-06	VIRGINIA SICKLE CELL AWARENESS CASH	\$ 22,684.59
4-17-06	BAPTIST CHILDREN HOME CASH	37,807.69
4-17-06	SOUTHERN POVERTY LAW CENTER CASH	22,684.59
4-17-06	MEHARRY MEDICAL COLLEGE CASH	15,123.08
4-17-06	BREAT CANCER RESOURCE CENTER CASH	22,684.59
4-17-06	FORTUNE SOCIETY CASH	30,246.16

TOTAL DISTRIBUTIONS

\$ 151,230.70

Balance Held Or Invested As Follows (this section not applicable if a final account)

1. On Deposit in Banks, etc.

Account No.

Balance

\$

2. Invested in Securities, etc

3. Tangible Personal Property.

4. Real Estate Willed to or Acquired by the Estate

☐ a. Real Estate Has Not Been Sold (give value here)

TAX VALUE \$

☐ b. Real Estate Has Been Sold (list proceeds of sale in Part I. Receipts on reverse.)

5. Other

TOTAL BALANCE HELD OR INVESTED

\$

PART I. RECEIPTS			
Date	Received From	Description	Amount Or Value
			\$
Total From Attachment, if Any			\$
TOTAL PART I.			\$ 00.00
PART II. DISBURSEMENTS/DEBTS PAID			
Date	Paid Or Disbursed To	Description	Amount
12-01-05	BRENDA D. SLOAN	REIM. QUALIFICATION FEE	\$ 50.00
12-01-05	BRENDA D. SLOAN	REIM. FUNERAL BILL	4,982.50
12-02-05	CARTER PUBLISHING CO.	CREDITORS NOTICE	111.35
1-03-06	CLERK OF SUPERIOR COURT	90 DAY INVENTORY FEE	708.00
1-03-06	SOCIAL SECURITY ADMINISTRATION	REIM. CHECK	1,077.00
1-03-06	TEACHERS & INSURANCE ANNUITY	REIM. CHECK	232.75
2-10-06	Novant Health	MEDICAL BILL	593.93
4-17-06	BRENDA SLOAN	COMMISSIONS	8,857.96
4-17-06	BILLY D. FRIENDE, JR.	ATTORNEY FEE	8,800.00
4-17-06	C.F. HARRIS	DEBT	500.00
4-17-05	CLERK OF SUPERIOR COURT	FINAL ACCOUNT FEE	15.00
TOTAL PART II.			\$ 25,928.49

Name and Address Of Fiduciary ☐ **Change Of Address**

BRENDA D. SLOAN

Signature Of Fiduciary *Brenda Sloan* **Title** EXECUTOR

Name and Address Of Co-fiduciary ☐ **Change Of Address**

Signature Of Co-fiduciary **Title**

SWORN AND SUBSCRIBED TO BEFORE ME

Date 4-17-06 **Signature of Person Authorized To Administer Oaths** *[Signature]*

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

SEAL ☒ **Notary** **Date Commission Expires** *[Signature]*

SWORN AND SUBSCRIBED TO BEFORE ME

Date **Signature Of Person Authorized To Administer Oaths**

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

Date Commission Expires ☐ **Notary** **SEAL**

☐ The above account has been audited by me and the vouchers or verified proofs submitted in support were examined. The account is ☐ approved. ☐ disapproved.

☐ As this is the final account, the personal representative is discharged in accordance with G.S. 28A-23-1.

Date

Signature

☐ Assistant CSC

☐ Clerk Of Superior Court

AOC-E-506, Side Two, Rev. 2/2000
©2000 Administrative Office of the Courts

Exhibit B

Jul 12 06 09:58a Brenda Sloan

3367221197

p.2

JUL-12-06 12:34

FROM-BILLY D FRIENDE JR

+3367224134

T-558 P.01/03 F-730

File No.

05 E 1934

STATE OF NORTH CAROLINA

In The General Court Of Justice
Superior Court Division
Before The Clerk

FORSYTH County

IN THE MATTER OF THE ESTATE OF:

Name

ALICE A. JACKSON

ACCOUNT

☐ ANNUAL ☒ FINAL

G.S. 28A-21-1; 21-2; 21-3

☒ Deceased ☐ Minor ☐ Incompetent ☐ Trust

I, the undersigned representative, being first duly sworn, say that the following is a complete and accurate account of my receipts, disbursements and other transactions as representative of this estate or trust.

Accounting Period From

30-00-00

7/17/06

Extending To

6/21/08

Personal Property on Inventory or Total Held Or Invested as Shown on Last Account

\$

76,000.00

Plus Total Receipts as Shown on Reverse (Part I) +

00.00

TOTAL ASSETS

\$

76,000.00

Less Total Disbursements as Shown on Reverse (Part II) -

29,143.84

BALANCE AT END OF ACCOUNTING PERIOD AFTER ALL DISBURSEMENTS

\$

46,856.16

*NOTE: TOTAL DISTRIBUTED plus BALANCE HELD OR INVESTED must equal BALANCE AT END OF ACCOUNTING PERIOD AFTER ALL DISBURSEMENTS.

DISTRIBUTIONS AS FOLLOWS

Amount

Date	Distributed To	Amount
6-21-06	VIRGINIA SICKLE CELL AWARENESS CASH	7,023.94
6-21-06	BAPTIST CHILDREN HOME CASH	22,604.59
6-21-06	SOUTHERN POVERTY LAW CENTER CASH	11,706.51
6-21-06	MEHARRY MEDICAL COLLEGE CASH	7,023.94
6-21-06	BREAST CANCER RESOURCE CENTER CASH	22,604.59
6-21-06	THE WOODHIST STREET Furniture Society	7,023.94
6-21-06	TOTAL DISTRIBUTIONS	9,365.20
		\$ 46,856.16

Balance Held Or Invested As Follows (this section not applicable if a final account)

Account No.

Balance

1. On Deposit in Banks, etc.

\$

2. Invested in Securities, etc.

3. Tangible Personal Property.

4. Real Estate Willed to or Acquired by the Estate.

☐ a. Real Estate Has Not Been Sold (give value here)

TAX VALUE \$

☐ b. Real Estate Has Been Sold (list proceeds of sale in Part I. Receipts on reverse.)

5. Other.

TOTAL BALANCE HELD OR INVESTED

\$

T-558 P.02/03 F-730

AOC-E-506, Side Two, Rev. 2/2000
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Exhibit C

STATE OF NORTH CAROLINA

File No

05 E 1934

In The General Court Of Justice
Superior Court Division
Before The Clerk

FORSYTH County

IN THE MATTER OF THE ESTATE OF:

Name

ALICE A. JACKSON

☒ Deceased ☐ Minor ☐ Incompetent ☐ Trust

ACCOUNT

☐ ANNUAL ☒ FINAL

G.S. 28A-21-1; 21-2; 21-3

I, the undersigned representative, being first duly sworn, say that the following is a complete and accurate account of my receipts, disbursements and other transactions as representative of this estate or trust.

Accounting Period From

4-17-06

Extending To

6-21-06

Personal Property on Inventory or Total Held Or Invested as Shown on Last Account	\$ 76,000.00
Plus Total Receipts as Shown on Reverse (Part I) +	00.00
TOTAL ASSETS	\$ 76,000.00
Less Total Disbursements as Shown on Reverse (Part II) -	29,143.84
BALANCE AT END OF ACCOUNTING PERIOD AFTER ALL DISBURSEMENTS*	\$ 46,826.13

*NOTE: TOTAL DISTRIBUTED plus BALANCE HELD OR INVESTED must equal BALANCE AT END OF ACCOUNTING PERIOD AFTER ALL DISBURSEMENTS.

DISTRIBUTIONS AS FOLLOWS		Amount
Date	Distributed To	
6-21-06	VIRGINIA SICKLE CELL AWARENESS CASH	\$ 7,023.94
6-21-06	BAPTIST CHILDREN HOME CASH	11,706.51
6-21-06	SOUTHERN POVERTY LAW CENTER CASH	4,682.60
6-21-06	MEHARRY MEDICAL COLLEGE CASH	15,123.08
6-21-06	BREAST CANCER RESOURCE CENTER CASH	7,023.94
6-21-06	FORTUNE SOCIETY	9,365.20
TOTAL DISTRIBUTIONS		\$ 46,826.13

Balance Held Or Invested As Follows (this section not applicable if a final account)

1. On Deposit in Banks, etc.	Account No.	Balance
		\$
2. Invested in Securities, etc.		
3. Tangible Personal Property.		
4. Real Estate Willed to or Acquired by the Estate.		
<input type="checkbox"/> a. Real Estate Has Not Been Sold (give value here)	TAX VALUE	\$
<input type="checkbox"/> b. Real Estate Has Been Sold (list proceeds of sale in Part I. Receipts on reverse.)		
5. Other		
TOTAL BALANCE HELD OR INVESTED		\$

PART I. RECEIPTS			
Date	Received From	Description	Amount Or Value
			\$
Total From Attachment, If Any			\$
TOTAL PART I.			\$ 00.00

Name and Address Of Fiduciary <input type="checkbox"/> Change Of Address		Name and Address Of Co-fiduciary <input type="checkbox"/> Change Of Address	
BRENDA D. SLOAN			
Signature Of Fiduciary		Signature Of Co-fiduciary	
EXECUTOR		Title	
SWORN AND SUBSCRIBED TO BEFORE ME		SWORN AND SUBSCRIBED TO BEFORE ME	
Date	Signature of Person Authorized To Administer Oaths	Date	Signature Of Person Authorized To Administer Oaths
7-12-06			
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
SEAL <input type="checkbox"/> Notary	Date Commission Expires	Date Commission Expires	<input type="checkbox"/> Notary SEAL

Exhibit D

STATE OF NORTH CAROLINA

File No

05 E 1934

FORSYTH County

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF THE ESTATE OF:

Name

ALICE A. JACKSON

☒ Deceased ☐ Minor ☐ Incompetent ☐ Trust

ACCOUNT

☐ ANNUAL ☒ FINAL

G.S. 28A-21-1; 21-2; 21-3

I, the undersigned representative, being first duly sworn, say that the following is a complete and accurate account of my receipts, disbursements and other transactions as representative of this estate or trust.

Accounting Period From

11-10-05

Extending To

6-21-06

Personal Property on Inventory or Total Held Or Invested as Shown on Last Account

\$ 253,159.19

Plus Total Receipts as Shown on Reverse (Part I) +

00.00

TOTAL ASSETS

\$ 177,159.19

Less Total Disbursements as Shown on Reverse (Part II) -

55,102.36

BALANCE AT END OF ACCOUNTING PERIOD AFTER ALL DISBURSEMENTS*

\$ 198,056.83

*NOTE: TOTAL DISTRIBUTED plus BALANCE HELD OR INVESTED must equal BALANCE AT END OF ACCOUNTING PERIOD AFTER ALL DISBURSEMENTS.

DISTRIBUTIONS AS FOLLOWS

Date	Distributed To	Amount
4-17-06	VIRGINIA SICKLE CELL AWARENESS CASH	\$ 29,708.53
4-17-06	BAPTIST CHILDREN HOME CASH	49,514.20
4-17-06	SOUTHERN POVERTY LAW CENTER CASH	29,708.53
4-17-06	MEHARRY MEDICAL COLLEGE CASH	19,805.68
4-17-06	BREAT CANCER RESOURCE CENTER CASH	29,708.53
4-17-06	FORTUNE SOCIETY CASH	39,611.36
TOTAL DISTRIBUTIONS		\$ 198,611.36

Balance Held Or Invested As Follows (this section not applicable if a final account)

1. On Deposit in Banks, etc.

Account No.

Balance

\$

2. Invested in Securities, etc.

3. Tangible Personal Property.

4. Real Estate Willed to or Acquired by the Estate.

☐ a. Real Estate Has Not Been Sold (give value here)

TAX VALUE \$

☐ b. Real Estate Has Been Sold (list proceeds of sale in Part I. Receipts on reverse.)

5. Other.

TOTAL BALANCE HELD OR INVESTED

\$

PART I. RECEIPTS			
Date	Received From	Description	Amount Or Value
			\$
Total From Attachment, If Any			\$
TOTAL PART I.			\$ 00.00

PART II. DISBURSEMENTS/DEBTS PAID			
Date	Paid Or Disbursed To	Description	Amount
12-01-05	BRENDA D. SLOAN	REIM. QUALIFICATION FEE	\$ 50.00
12-01-05	BRENDA D. SLOAN	REIM. FUNERAL BILL	4,982.50
12-02-05	CARTER PUBLISHING CO.	CREDITORS NOTICE	111.35
1-03-06	CLERK OF SUPERIOR COURT	90 DAY INVENTORY FEE	708.00
1-03-06	SOCIAL SECURITY ADMINISTRATION	REIM. CHECK	1,077.00
1-03-06	TEACHERS & INSURANCE ANNUITY	REIM. CHECK	232.75
2-10-06	Novant Health	MEDICAL BILL	593.93
4-17-06	BRENDA SLOAN	COMMISSIONS	8,857.96
4-17-06	BILLY D. FRIENDE, JR.	ATTORNEY FEE	37,943.87
4-17-06	C.F. HARRIS	DEBT	500.00
4-17-05	CLERK OF SUPERIOR COURT	FINAL ACCOUNT FEE	15.00
TOTAL PART II.			\$ 55,102.36

Name and Address Of Fiduciary <input type="checkbox"/> Change Of Address BRENDA D. SLOAN		Name and Address Of Co-fiduciary <input type="checkbox"/> Change Of Address	
Signature Of Fiduciary	Title EXECUTOR	Signature Of Co-fiduciary	Title
SWORN AND SUBSCRIBED TO BEFORE ME		SWORN AND SUBSCRIBED TO BEFORE ME	
Date 6-21-06	Signature of Person Authorized To Administer Oaths	Date	Signature Of Person Authorized To Administer Oaths
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
SEAL <input checked="" type="checkbox"/> Notary	Date Commission Expires	Date Commission Expires	<input type="checkbox"/> Notary SEAL

☐ The above account has been audited by me and the vouchers or verified proofs submitted in support were examined. The account is ☐ approved. ☐ disapproved.

☐ As this is the final account, the personal representative is discharged in accordance with G.S. 28A-23-1.

Date	Signature	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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